

## Message Text

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PAGE 01 STATE 244717

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ORIGIN ARA-10

INFO OCT-01 ISO-00 EB-07 L-03 H-02 IO-13 CIAE-00 INR-07

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DRAFTED BY ARA/ECA:FERONDON:JC

APPROVED BY ARA/ECA:RWZIMMERMANN

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FM SECSTATE WASHDC

TO AMEMBASSY BUENOS AIRES

UNCLAS STATE 244717

E.O. 11652: N/A

TAGS: PFOR, EAID, SHUM, IDB, PORG, US; AR

SUBJECT: TEXT OF HARKIN AMENDMENT

REF: B.A. 6368

THE HARKIN AMENDMENT IS CONTAINED IN PUBLIC LAW 94-302 WHICH WAS ENACTED ON MAY 31, 1976. IT IS "AN ACT TO PROVIDE FOR INCREASED PARTICIPATION BY THE UNITED STATES IN THE INTER-AMERICAN DEVELOPMENT BANK, TO PROVIDE FOR THE ENTRY OF NONREGIONAL MEMBERS AND THE BAHAMAS AND GUYANA IN THE INTER-AMERICAN DEVELOPMENT BANK, TO PROVIDE FOR THE PARTICIPATION OF THE UNITED STATES IN THE AFRICAN DEVELOPMENT FUND, AND FOR OTHER PURPOSES." TITLE I OF THE ACT IS ENTITLED "INTER-AMERICAN DEVELOPMENT BANK." SECTION 28 READS AS FOLLOWS:

"SEC. 28. (A) THE UNITED STATES EXECUTIVE DIRECTOR OF THE BANK IS AUTHORIZED AND DIRECTED TO VOTE AGAINST ANY LOAN, ANY EXTENSION OF FINANCIAL ASSISTANCE, OR ANY TECHNICAL ASSISTANCE TO ANY COUNTRY WHICH ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, UNCLASSIFIED

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PAGE 02 STATE 244717

INHUMANE, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED

DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL

OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF PERSON,  
UNLESS SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY  
PEOPLE IN SUCH COUNTRY.

"(B) IN DETERMINING WHETHER THIS STANDARD IS BEING MET  
WITH REGARD TO ACTIVITIES OF THE INTER-AMERICAN DEVELOPMENT  
BANK, THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE OR  
THE HOUSE COMMITTEE ON INTERNATIONAL RELATIONS, OR THE  
HOUSE COMMITTEE ON BANKING, CURRENCY AND HOUSING, MAY  
REQUIRE THE UNITED STATES GOVERNOR OF THE BANK TO SUBMIT  
IN WRITING INFORMATION DEMONSTRATING THAT SUCH LOAN OR  
ASSISTANCE WILL DIRECTLY BENEFIT THOSE PERSONS IN SUCH  
COUNTRY TO WHICH SUCH LOAN OR ASSISTANCE IS SUPPOSED TO  
BE DIRECTED, TOGETHER WITH A DETAILED EXPLANATION OF THE  
ASSISTANCE TO BE PROVIDED (INCLUDING THE DOLLAR AMOUNTS OF  
SUCH ASSISTANCE) AND AN EXPLANATION OF HOW SUCH ASSISTANCE  
WILL DIRECTLY BENEFIT SUCH PERSONS IN SUCH COUNTRY.

"(C) IN DETERMINING WHETHER OR NOT A COUNTRY FALLS  
WITHIN THE PROVISIONS OF SUBSECTION (A), THE SENATE  
COMMITTEE ON FOREIGN RELATIONS AND THE HOUSE COMMITTEE  
ON INTERNATIONAL RELATIONS AND THE HOUSE COMMITTEE ON  
BANKING, CURRENCY AND HOUSING SHALL GIVE CONSIDERATION TO  
THE EXTENT OF COOPERATION OF SUCH COUNTRY IN PERMITTING  
AN UNIMPEDED INVESTIGATION OF ALLEGED VIOLATIONS OF  
INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY APPROPRIATE  
INTERNATIONAL ORGANIZATIONS, INCLUDING THE INTERNATIONAL  
COMMITTEE OF THE RED CROSS, OR GROUPS OR PERSONS ACTING  
UNDER THE AUTHORITY OF THE UNITED NATIONS OR OF THE  
ORGANIZATION OF AMERICAN STATES." KISSINGER

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## Message Attributes

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**TAGS:** PFOR, EAID, SHUM, PORG, US, AR, IDB  
**To:** BUENOS AIRES  
**Type:** TE  
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